

**LAROCCA HORNIK ROSEN
GREENBERG & BLAHA LLP**

*Attorneys for Defendant
Equinox Holdings, Inc.
83 South Street, 3rd Floor
Freehold, NJ 07728
(732) 409-1144*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

-----X

LESLEY MCCARTHY and KIM
KENNEDY on behalf of themselves and
all other similarly situated,

CASE NO. 2:14-CV-00037-FSH-JBC
(Civil Action)

Plaintiffs,

NOTICE OF MOTION

v.

EQUINOX HOLDINGS, INC.,
JOHN DOES 1-25.

Defendants.

-----X

TO: Law Offices of Joseph K. Jones, LLC
375 Passaic Avenue, Suite 100
Fairfield, New Jersey 07004

PLEASE TAKE NOTICE that defendant Equinox Holdings, Inc. (“Equinox”), by its attorneys, LaRocca Hornik Rosen Greenberg & Blaha LLP, will move this Court before the Honorable Faith S. Hochberg, on **April 7, 2014**, at a time to be determined by this Court, at the United States District Court for the District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for an Order pursuant to FRCP

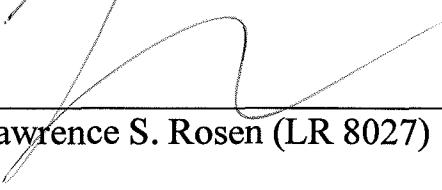
12(b)(6) dismissing Plaintiffs' First Amended Complaint with prejudice, and granting such other and further relief as the Court deems just and proper; and

PLEASE TAKE FURTHER NOTICE that, in support of its motion, Equinox will rely on the attached Certification of Lawrence S. Rosen dated March 14, 2014, exhibit A attached thereto, the Affidavit of Kevin S. Morris, dated March 12, 2014, exhibits A through C attached thereto, the memorandum of law in support of the motion, and upon all reply papers and pleadings; and

PLEASE TAKE FURTHER NOTICE that the original of this Notice of Motion and all supporting papers are being filed with the Clerk of the Court in which venue is laid, and that service of the within Notice of Motion and all supporting papers has been made in accordance with Fed. R. Civ. P. 5; and

PLEASE TAKE FURTHER NOTICE that a proposed Order granting the relief requested is submitted herewith in accordance with the provisions of L. Civ. R. 7.1(e).

LAROCCA HORNIK ROSEN
GREENBERG & BLAHA LLP
Attorneys for Defendant
Equinox Holdings, Inc.

By: 
Lawrence S. Rosen (LR 8027)

Date: March 14, 2014